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COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

SECURITY COUNCIL
Fifty-third year

Letter dated 26 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the letter of Mr. Živadin Jovanović, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to Mr. Bronislaw Geremek, Minister for Foreign Affairs of the Republic of Poland and Chairman-in-Office of the Organization for Security and Cooperation in Europe, dated 14 August 1998 (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 36 of the provisional agenda, and of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

* A/53/150.

Annex

Letter dated 14 August 1998 from the Minister for Foreign Affairs of Yugoslavia addressed to the Chairman-in-Office of the Organization for Security and Cooperation in Europe

I am writing to you in regard to the letters addressed to you by the Ministers for Foreign Affairs of four Yugoslav republics, dated 1 July 1998, concerning the question of possible membership of the Federal Republic of Yugoslavia in the Organization for Security and Cooperation in Europe (OSCE).

First of all, we make a distinction between the question of State continuity and that of succession. Proceeding from the position that the question of succession addresses the distribution of assets and liabilities, the Federal Republic of Yugoslavia has always agreed to have these issues resolved on the basis of the rules of international law on succession of States and through agreement. As you are aware, these negotiations are under way, with the active participation of the Federal Republic of Yugoslavia.

As for continuity, I would like to recall that the Federal Assembly of the Federal Republic of Yugoslavia, in the declaration made on the occasion of the promulgation of the new Constitution of 27 April 1992, unambiguously stated that it would respect the "continuity of the international personality of Yugoslavia and shall continue to fulfil all the rights conferred to, and obligations assumed by, the Socialist Federal Republic of Yugoslavia in international relations, including its membership in all international organizations and participation in international treaties ratified or acceded to by Yugoslavia". Let me remind you that Yugoslavia was one of the founding members of the United Nations and of the Organization for Security and Cooperation in Europe.

By signing relevant agreements on the normalization of relations with the Federal Republic of Yugoslavia, the Republic of Croatia and the Republic of Macedonia accepted the "existence of the State continuity of the Federal Republic of Yugoslavia". Bosnia and Herzegovina did the same by signing the Joint Communiqué of Presidents Milošević and Izetbegović in Paris after the conclusion of the Dayton/Paris peace agreement (see appendix).

Finally, I would like to recall that the suspension of Yugoslavia's membership in OSCE, although baseless and politically motivated, was linked to the events in Bosnia and Herzegovina. By the signing of the Dayton/Paris peace agreement, with the cooperation and contribution of the Federal Republic of Yugoslavia in its implementation, these reasons ceased to exist. Consequently, the Federal Republic of Yugoslavia demands that its full-fledged membership rights in that Organization be restored to it.

An early decision on the abolishment of the current suspension and full participation of the Federal Republic of Yugoslavia in OSCE on the basis of equality would not only be proper from the point of view of universality of the Organization but would also contribute to the consolidation of stability, cooperation and security in the region.

Živadin JOVANOVIĆ

Appendix

Excerpts from relevant agreements on the normalization of relations with the Federal Republic of Yugoslavia

In the Agreement on the normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 27 September 1996, article 5, it is stated:

> "Proceeding from the historical fact that Serbia and Montenegro existed as independent States before the creation of Yugoslavia, and bearing in mind the fact that Yugoslavia continued international legal personality of these States, the Republic of Croatia notes the existence of the State continuity of the Federal Republic of Yugoslavia".

In the Agreement on regulating the relations and promotion of cooperation between the Federal Republic of Yugoslavia and the Republic of Macedonia of 18 June 1996, article 4, it is stated:

> "Proceeding from the fact that Serbia and Montenegro existed as independent States before the creation of Yugoslavia, and in view of the fact that Yugoslavia has continued international legal personality of these States, the Republic of Macedonia respects the State continuity of the Federal Republic of Yugoslavia".

In the Joint Communiqué of 3 October 1996, signed by President Milošević and President of the Presidency of Bosnia and Herzegovina Alija Izetbegović, paragraph 4, it is stated:

> "The Federal Republic of Yugoslavia will respect the integrity of Bosnia and Herzegovina in accordance with the Dayton Agreement which affirmed the continuity of various forms of statial organization of Bosnia and Herzegovina that the peoples of Bosnia and Herzegovina had during their history.
>
> Bosnia and Herzegovina accepts the State continuity of the Federal Republic of Yugoslavia".